

## Message Text

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LIMDIS - FROM EUR/EE

E.O. 11652:GDS

TAGS: SHUM YO

SUBJECT: HUMAN RIGHTS: COUNTRY ACTION PLANS

1. THE DEPARTMENT HAS RECENTLY INSTITUTED A BROAD-SCALE EFFORT, LED BY THE DEPUTY SECRETARY, TO IMPLEMENT THE ADMINISTRATION'S HUMAN RIGHTS POLICY AS EFFECTIVELY AS POSSIBLE IN THE FULL RANGE OF U.S. DIPLOMATIC ACTIVITIES. THIS EFFORT, WHICH IS TO INVOLVE ALL RELEVANT BUREAUS OF THE DEPARTMENT AND ALL U.S. POSTS ABROAD, IS PREMISED UPON THE COMPREHENSIVE STATEMENT OF POLICY SET FORTH IN THE SECRETARY'S LAW DAY SPEECH AT ATHENS, GA., ON APRIL 30, TEXT OF WHICH POSTS HAVE RECEIVED.

2. ONE OF THE PRINCIPAL COMPONENTS OF THIS BROAD IMPLEMENTATION EFFORT IS THE DEVELOPMENT OF SPECIFIC PROPOSED COURSES OF ACTION WITH RESPECT TO EACH COUNTRY. THESE INDIVIDUAL COUNTRY ACTION PLANS ARE TO ENABLE US  
CONFIDENTIAL

PAGE 02 STATE 125250

TO DETERMINE WHERE WE SHOULD CONCENTRATE OUR ATTENTION.

3. POSTS WILL SOON BE RECEIVING A CIRCULAR CABLE, BEING COORDINATED BY S/P AND THE OFFICE OF THE DEPARTMENT'S COORDINATOR FOR HUMAN RIGHTS (D/HA), WHICH IS TO PROVIDE "QUESTIONS AND ANSWERS" ON HUMAN RIGHTS AND OTHER BACKGROUND INFORMATION, AND WHICH ALSO WILL REQUEST ALL

POSTS TO PROVIDE SPECIFIC RECOMMENDATIONS ON HOW THE U.S. CAN HELP PROMOTE HUMAN RIGHTS IN THE HOST COUNTRY

OR WORK WITH THE HOST COUNTRY TO FURTHER HUMAN RIGHTS ELSEWHERE.

4. IN THE MEANTIME, EUR AND ALL OTHER REGIONAL BUREAUS HAVE BEEN REQUESTED TO DRAW UP INDIVIDUAL COUNTRY ACTION PLANS FOR EACH COUNTRY COVERED BY THE BUREAU. THESE PLANS ARE TO DESCRIBE THE CURRENT CONDITION OF HUMAN RIGHTS, THE EXTENT OF VIOLATIONS, THEIR FREQUENCY AND INTENSITY, AND THE POLICIES AND ATTITUDES OF THE HOST GOVERNMENT. THE PLANS, WHICH ARE TO INCORPORATE SUGGESTIONS FROM THE FIELD, ARE TO INCLUDE SPECIFIC RECOMMENDATIONS FOR U.S. ACTION DURING THE NEXT SIX MONTHS AND SHOULD BE UPDATED EVERY SIX MONTHS, OR MORE FREQUENTLY, IF NEW DEVELOPMENTS SO REQUIRE. THE DEPUTY SECRETARY HAS REQUESTED THAT THE ACTION PLANS PAY PARTICULAR ATTENTION TO PROPOSING POSITIVE WAYS TO FOSTER HUMAN RIGHTS.

5. EUR/EE HAS PREPARED INITIAL DRAFT ACTION PLANS FOR EACH OF OUR COUNTRIES, BASED ON INFORMATION AVAILABLE HERE AND FOLLOWING A STANDARD FORMAT WHICH HAS BEEN DISTRIBUTED THROUGHOUT THE DEPARTMENT BY D/HA FOR THIS PURPOSE. (SEPTTEL WILL PROVIDE TEXT OF THIS STANDARD FORMAT FOR YOUR INFORMATION AND USE.) TEXT OF OUR DRAFT PLAN, WHICH IS PRELIMINARY AND DOES NOT RPT NOT HAVE EUR SIXTH FLOOR CLEARANCE, FOLLOWS.  
CONFIDENTIAL

PAGE 03 STATE 125250

6. ACTION REQUIRED. WE REQUEST EMBASSY'S ADDITIONS AND COMMENTS ON DRAFT PLAN, AND--MOST IMPORTANTLY--SUGGESTIONS FOR ACTIONS WE CAN EFFECTIVELY UNDERTAKE BILATERALLY DURING THE COMING SIX MONTHS AND BEYOND. SINCE WE ARE WORKING UNDER A VERY TIGHT DEADLINE, WE WILL REQUIRE POST'S RESPONSE NO LATER THAN OPENING OF BUSINESS ON FRIDAY, JUNE 3.

7. BEGIN DRAFT TEXT.

A. CONDITION OF HUMAN RIGHTS IN YUGOSLAVIA

--- PRACTICALLY SPEAKING, YUGOSLAV CITIZENS, UNLIKE THOSE IN MANY OTHER COMMUNIST COUNTRIES, ENJOY BROAD FREEDOM OF MOVEMENT AND ACCESS TO FOREIGN PUBLICATIONS, NEWSPAPERS, RADIO, AND TELEVISION BROADCASTS. THEY ARE RELATIVELY FREE IN SPEECH AND ARTISTIC CREATIVITY, PROVIDED CERTAIN TABOOS ARE OBSERVED, SUCH AS NOT

ATTACKING PRESIDENT TITO, THE LEAGUE OF COMMUNISTS OF YUGOSLAVIA (LCY), OR THE PRINCIPLES OF "BROTHERHOOD AND UNITY" OF YUGOSLAVIA'S DIVERSE PEOPLES.

--- THROUGH ITS MONOPOLY OF POLITICAL POWER, HOWEVER,

THE LCY EXERTS A MAJOR INFLUENCE ON THE INTERPRETATION AND IMPLEMENTATION OF THE CONSTITUTION AND THE LAW. MORE STRINGENT POLITICAL CONTROLS HAVE BEEN INTRODUCED SINCE 1971, AS THE REGIME STRIVES TO COPE WITH AN IMPENDING POST-TITO SUCCESSION PROBLEM AND AN INCREASINGLY VOCIFEROUS OPPOSITION MOUNTED BY EMIGRE SEPARATISTS, ON THE ONE HAND, AND SOVIET-BACKED "COMINFORMISTS" ON THE OTHER. AN INCIPIENT INTELLECTUAL DISSIDENT MOVEMENT HAS ALSO DEVELOPED. CONSEQUENTLY, THE REGIME IS SENSITIVE TO HOSTILE POLITICAL ACTIVITY, AND IN CASES INVOLVING POLITICAL CRIMES AND PERCEIVED

CONFIDENTIAL

PAGE 04 STATE 125250

THREATS TO INTERNAL STABILITY THE REGIME CAN AND EVIDENTLY HAS INFLUENCED THE COURSE OF JUSTICE.

--- 1. RESPECT FOR THE INTEGRITY OF THE PERSON

--- RIGHTS TO LIFE, LIBERTY AND THE SECURITY OF THE PERSON ARE GENERALLY OBSERVED IN YUGOSLAVIA. YUGOSLAVS GO ABOUT THEIR PRIVATE AFFAIRS WITHOUT FEAR FOR THEIR LIVES OR SECURITY, UNLESS THEY RUN AFOUL OF AUTHORITIES FOR POLITICAL OR OTHER ACTIVITY CONSIDERED BY THE AUTHORITIES TO IMPINGE ON "NATIONAL SECURITY" IN WHICH CASE THEY MAY FACE ARREST, TRIAL, AND CONVICTION.

--- TORTURE IS NEITHER CONDONED BY THE AUTHORITIES NOR HAVE THERE BEEN ANY SUBSTANTIATED REPORTS OF ITS PRACTICE. THE CONSTITUTION GUARANTEES THE INTEGRITY OF THE PERSON AND EXPRESSLY PROHIBITS FORCED CONFESSIONS. THERE HAVE NEVERTHELESS BEEN UNCONFIRMED REPORTS OF BEATINGS OF PRISONERS BY POLICE. APART FROM THIS, HOWEVER, THERE HAVE BEEN NO REPORTS OF CRUEL, INHUMAN, OR DEGRADING PUNISHMENT.

--- YUGOSLAVS ARE GENERALLY FREE FROM ARBITRARY ARREST, ALTHOUGH LARGE NUMBERS OF SUSPECTS HAVE REPORTEDLY BEEN PICKED UP FOR QUESTIONING AFTER TERRORIST ACTS. NORMALLY, ARRAIGNMENT QUICKLY FOLLOWS ARREST. INDICTMENT MUST BE BROUGHT DOWN WITHIN THREE MONTHS, EXCEPT THAT THE INVESTIGATING JUDGE CAN REQUEST FROM THE COURT AN EXTENSION OF THREE MONTHS OR EVEN LONGER WITH PROPER JUSTIFICATION.

--- TRIALS ARE GENERALLY OPEN TO THE PUBLIC, EXCEPT IN CASES INVOLVING MILITARY QUESTIONS OR NATIONAL SECURITY WHEN THE JUDGE HAS THE AUTHORITY TO HOLD PROCEEDINGS IN CAMERA. THIS DISCRETIONARY AUTHORITY EXTENDS TO A NUMBER OF POLITICAL CASES. GOVERNMENT CONTROLS ON THE

CONFIDENTIAL

PAGE 05 STATE 125250

MEDIA ALSO AFFECT THE DEGREE AND NATURE OF PUBLICITY ACCORDED THE PROCEEDINGS. IMPARTIALITY PROBABLY VARIES WIDELY. THERE IS THE POSSIBILITY OF ACQUITTAL IN NON-POLITICAL CASES.

--- THE ACCUSED HAS THE RIGHT TO COUNSEL AND YUGOSLAV LAWYERS HAVE OFTEN VIGOROUSLY DEFENDED THEIR CLIENTS. IN A RECENT CASE, HOWEVER, A DEFENSE COUNSEL WAS CONVICTED OF BETRAYING AN ANTI-STATE ATTITUDE IN HIS ARGUMENT ON BEHALF OF HIS CLIENT AND, ON APPEAL, HIS SENTENCE WAS REDUCED TO ONE YEAR'S DISBARMENT. THERE HAVE BEEN CASES REPORTED IN WHICH THE AUTHORITIES HAVE INFLUENCED TESTIMONY OF WITNESSES.

--- THE YUGOSLAV CODE OF CRIMINAL PROCEDURE CONTAINS ELABORATE PROVISIONS FOR CONDUCTING SEARCHES, INCLUDING THE REQUIREMENT FOR A COURT ORDER EXCEPT UNDER CERTAIN LIMITED CIRCUMSTANCES. ALTHOUGH THE POSSIBILITY OF ABUSE IS NOT TO BE RULED OUT, WE ARE UNAWARE OF ANY WIDESPREAD OR GROSS VIOLATIONS.

--- 2. RESPECT FOR CIVIL AND POLITICAL LIBERTIES

--- A. FREEDOM OF THOUGHT IS GENERALLY UPHELD, BUT THERE ARE STRONG RESTRICTIONS ON PUBLIC EXPRESSION OF THOUGHTS AND OPINIONS. CRITICISM OF GOVERNMENT POLICIES MAY BE CONSIDERED HOSTILE PROPAGANDA, A PUNISHABLE OFFENSE. THE ADVOCACY OF DISSIDENT POLITICAL IDEAS IS NOT PERMITTED. IN A RECENT CASE, A JUDGE WHOSE PRIVATE DIARY ENTRIES EXPRESSED SEPARATIST VIEWS WAS CONVICTED IN PART ON THE EVIDENCE CONTAINED IN THE DIARY.

--- RIGHTS OF RELIGION AND ASSEMBLY ARE GUARANTEED IN THE CONSTITUTION, BUT ARE HONORED UNDER CONTROLLED CONDITIONS. RELIGIOUS ORGANIZATIONS MAY NOT ENGAGE IN CONFIDENTIAL

PAGE 06 STATE 125250

POLITICAL AND NON-RELIGIOUS ACTIVITIES AS DEFINED BY THE GOVERNMENT AND LCY. CONSTRAINTS ARE IMPOSED ON PROSELYTIZING ACTIVITIES AND RELIGIOUS EDUCATION. NO POLITICAL GATHERINGS ARE AUTHORIZED EXCEPT ON THE AUTHORITY OF OFFICIAL BODIES.

--- B. FREEDOM OF MOVEMENT WITHIN THE COUNTRY IS GUARANTEED IN THE CONSTITUTION AND IS NOT INFRINGED IN PRACTICE. YUGOSLAVS TRAVEL ABROAD AT WILL, ALTHOUGH SOME "DISSIDENTS" HAVE BEEN DENIED PASSPORTS ON NATIONAL SECURITY GROUNDS. HUNDREDS OF THOUSANDS OF YUGOSLAV WORKERS ARE CURRENTLY WORKING IN WESTERN EUROPE.

--- C. THE CONSTITUTION HAS PROVISIONS GUARANTEEING PARTICIPATION IN THE POLITICAL PROCESS. BUT THE LCY'S MONOPOLY OF POLITICAL CONTROL AND RESTRICTIONS AGAINST UNAUTHORIZED POLITICAL EXPRESSION EFFECTIVELY LIMIT SUCH PARTICIPATION.

--- 3. SOCIAL AND ECONOMIC RIGHTS

--- THE GOVERNMENT'S RECORD IN PROMOTING FULFILLMENT OF BASIC NEEDS FOR FOOD, SHELTER, HEALTH CARE, AND EDUCATION IS CREDIBLE. THE REGIME'S COMMUNIST CREDO DEMANDS ATTENTION TO SUCH NEEDS, ALTHOUGH ITS MEANS ARE LIMITED BY ECONOMIC FACTORS.

--- CORRUPTION AMONG ELITES IS NOT A MAJOR PROBLEM, ALTHOUGH THE SO-CALLED MEMBERS OF THE "NEW CLASS" FREQUENTLY USE THEIR PERQUISITES TO ACQUIRE AUTO-MOBILES, WEEKEND HOUSES, AND OTHER ATTRIBUTES OF A PRIVILEGED LIVING STANDARD. THERE IS, HOWEVER, LITTLE EVIDENCE THAT SIGNIFICANT RESOURCES ARE SIPHONED AWAY FROM THE POOR IN THIS WAY. THE POOR ARE LARGELY VICTIMS OF STRUCTURAL FEATURES OF THE ECONOMY, AND THE REGIME GENUINELY SEEKS IMPROVEMENTS THAT WOULD IMPROVE CONFIDENTIAL

PAGE 07 STATE 125250

THEIR LOT.

--- 4. THE REGIME IS TOTALLY RESPONSIBLE FOR THE FOREGOING HUMAN RIGHTS RECORD INsofar AS POLICY IS A FACTOR. IT JUSTIFIES INTERNAL TIGHTENING AS A NECESSARY RESPONSE TO A PERCEIVED THREAT. AS YUGOSLAVIA FACES A PERIOD OF UNUSUAL VULNERABILITY WITH THE IMPENDING SUCCESSION TO PRESIDENT TITO, THE REGIME'S CONCERNS ARE NOT UNFOUNDED. AMNESTY INTERNATIONAL NOTED IN ITS 1976 REPORT FOR YUGOSLAVIA AN INCREASE IN THE APPREHENSION OF GROUPS, AS OPPOSED TO INDIVIDUALS, SUGGESTING A RISE IN ORGANIZED CONSPIRACIES AGAINST THE REGIME.

--- 5. YUGOSLAVIA IS A MEMBER OF THE UN HUMAN RIGHTS COMMISSION, AND ITS DELEGATION CHIEF WAS CHAIRMAN OF THE RECENT SESSION IN GENEVA. THERE IS NOTHING IN THE RECORD, THOUGH, THAT WOULD SUGGEST ANY PARTICULAR

RECEPTIVITY TO OUTSIDE INVESTIGATION OF ALLEGED HUMAN RIGHTS VIOLATIONS. THE QUESTION HAS NOT ARISEN IN RECENT YEARS. IN ALL LIKELIHOOD THE YUGOSLAVS WOULD INSIST THAT SUCH MATTERS ARE INTERNAL AND WOULD RESIST OUTSIDE INVESTIGATION ON GROUNDS OF NATIONAL SOVEREIGNTY.

--- 6. AN ADDITIONAL HUMAN RIGHTS CONSIDERATION IS THE BILATERAL QUESTION OF YUGOSLAV TREATMENT OF YUGOSLAV-

AMERICANS WHO RETURN FOR VISITS TO THEIR NATIVE LAND. THE YUGOSLAVS REGARD THEM AS YUGOSLAV CITIZENS AND, IN CASES OF ARREST OR DETENTION, CONSISTENTLY DENY THEM THE CONSULAR NOTIFICATION AND ACCESS RIGHTS CONTAINED IN THE VIENNA CONSULAR CONVENTION TO WHICH YUGOSLAVIA IS SIGNATORY. THIS ISSUE SEVERELY STRAINED OUR RELATIONS IN THE CASE OF LASZLO TOTH WHO WAS CONVICTED AND SENTENCED IN 1975 TO SEVEN YEARS FOR ESPIONAGE ON UNFOUNDED CHARGES. HE WAS RELEASED IN 1976 ONLY AFTER CONSISTENT CONFIDENTIAL

PAGE 08 STATE 125250

PRESSURE FROM THE EMBASSY AND WASHINGTON OFFICIALS.

B. ANALYSIS AND RECOMMENDATIONS

--- A. ENCOURAGEMENT OF AMNESTY. IN TERMS OF IMPORTANCE, FEASIBILITY, AND LEVERAGE OVER THE NEAR TERM, OUR NUMBER ONE OBJECTIVE SHOULD BE TO ENCOURAGE THE GOY TO ISSUE A GENERAL AMNESTY, A TRADITIONAL TITO'S BIRTHDAY (MAY 25) GESTURE. THIS YEAR, CHIEFLY OWING TO BELGRADE'S ROLE AS HOST OF THE CSCE REVIEW CONFERENCE, IT HAS ATTRACTED CONSIDERABLE DISCUSSION IN THE WESTERN PRESS AND APPARENT CONTROVERSY WITHIN YUGOSLAVIA. THE AMNESTY HAS BEEN POSTPONED, REPORTEDLY TILL LATER THIS YEAR.

--- WHILE EXTREMELY SENSITIVE TO OUTSIDE "PRESSURE," THE YUGOSLAVS ARE ALSO CONCERNED ABOUT THEIR "IMAGE" IN THE WEST. PARTICULARLY THEY ARE LOATH TO BEING LUMPED WITH THE OTHER EAST EUROPEAN COMMUNIST COUNTRIES. WE SHOULD STRIVE THROUGH DIPLOMATIC CHANNELS TO GET THE YUGOSLAVS TO GO AHEAD WITH THE AMNESTY AND INCLUDE PEOPLE LIKE MIHAJLO MIHAJLOV AND JUDGE FRANC MIKLAVCIC, WHOSE QUESTIONABLE TREATMENT HAS AROUSED WIDESPREAD CONCERN. THIS OBJECTIVE IS RELATIVELY FEASIBLE AND WOULD HAVE BROAD WEST EUROPEAN SUPPORT.

--- B. ELIMINATE ARBITRARY ARREST AND DETENTION. WHILE RECOGNIZING YUGOSLAVIA'S LEGITIMATE SECURITY INTERESTS, WE SHOULD ENCOURAGE THE REGIME IN ITS OWN LONGTERM INTERESTS TO ELIMINATE ARBITRARY AND UNDULY HARSH ASPECTS OF ITS HANDLING OF POLITICAL CASES, BY

PLAYING UPON ITS NEED FOR CONTINUED GOOD WILL IN THE WEST. WHILE LESS FEASIBLE AND EASILY FOCUSED THAN THE AMNESTY QUESTION, THIS GOAL COULD BE PURSUED IN THE SAME MANNER.  
CONFIDENTIAL

PAGE 09 STATE 125250

--- C. DUAL NATIONALS. WE HAVE TRIED UNSUCCESSFULLY

FOR NEARLY 30 YEARS TO SECURE YUGOSLAV AGREEMENT TO CONSULAR NOTIFICATION AND ACCESS IN CASES INVOLVING YUGOSLAV-AMERICANS. THERE IS LITTLE TO INDICATE ANY CHANGE IN YUGOSLAV RESISTANCE TO RENEGOTIATING OUR CONSULAR CONVENTION (CONCLUDED WITH SERBIA IN 1881), BUT WE MIGHT CAPITALIZE ON THE GENERAL CSCE MOMENTUM AND THE GROWING WESTERN CONCERN ABOUT HUMAN RIGHT TO PRESS THE YUGOSLAVS FOR IMPROVEMENT. THE TIME IS PROPITIOUS IN THAT 1) THERE ARE CURRENTLY NO MAJOR DISPUTES AND 2) THE TOTH CASE IS A RECENT AND VIVID EXAMPLE OF THE DANGER TO OUR BILATERAL RELATIONS OF CONTINUED DRIFT.

--- 2. REACTION TO U.S. HUMAN RIGHTS POLICY: THE GOY HAS SOUGHT TO PARRY OUR HUMAN RIGHTS POLICY BY QUESTIONING OUR MOTIVES AS A TACTICAL PLOY AIMED AT THE SOVIET UNION, BY SOUNDING ALARMS ABOUT EAST-WEST CONFRONTATION, AND BY CLAIMING YUGOSLAVIA HAS NO HUMAN RIGHTS PROBLEM. THE KEY ELEMENT OF YUGOSLAV REACTION, HOWEVER, HAS BEEN ITS STRESS ON REFUSING TO YIELD TO OUTSIDE "PRESSURE," ESPECIALLY WHEN CONTAINED IN "UNFRIENDLY" PUBLICITY. BELGRADE'S DELAY OF ITS MUCH-HERALDED AMNESTY IS PROBABLY MEANT TO UNDERSCORE THAT POINT.

--- THE INTELLECTUAL DISSIDENTS SEEM TO HAVE BEEN ENCOURAGED BY THE CSCE MOVEMENT, BUT THERE IS LITTLE EVIDENCE OF ANY DIRECT REACTION TO U.S. POLICIES. THEIR SUPPORTERS OUTSIDE YUGOSLAVIA, HOWEVER, HAVE STEPPED UP THEIR EFFORTS IN RESPONSE TO BOTH CSCE AND THE U.S. ADMINISTRATION POLICIES. SIMILARLY, ANTI-REGIME EMIGRES HAVE ALSO SOUGHT TO EXPLOIT THE SITUATION TO EMPHASIZE YUGOSLAVIA'S ALLEGEDLY GROWING VULNERABILITY AND TO QUESTION ITS LEGITIMACY.

CONFIDENTIAL

PAGE 10 STATE 125250

-- 3. THE HUMAN RIGHTS SITUATION IS UNLIKELY TO IMPROVE SIGNIFICANTLY UNTIL YUGOSLAVIA FEELS SECURE AS A NATION AND A STATE, AND IT MUST WEATHER THE TITO SUCCESSION TO ATTAIN THAT SECURITY. OUR LONGSTANDING POLICY OF SUPPORT FOR YUGOSLAVIA IS DESIGNED TO HELP IT WEATHER THE SUCCESSION.

--- 4. WE MUST SEEK TO REDRESS SPECIFIC SITUATIONS BY ACTING SKILLFULLY AND PREFERABLY QUIETLY TO EFFECT OUR AIMS. IN PARTICULAR, PUBLIC ACTIONS SHOULD BE TAKEN RARELY AND JUDICIOUSLY, BECAUSE IF THEY APPEAR AS "PRESSURE" AGAINST YUGOSLAVIA, THEY WILL BE COUNTER-PRODUCTIVE. YUGOSLAVIA'S EXISTENCE DEPENDS LARGELY ON ITS ABILITY TO DETER "SUPERPOWER PRESSURE." FOR IT TO APPEAR TO BE YIELDING TO THE U.S. ON A GIVEN POINT MAY WEAKEN ITS POSITION VIS-A-VIS THE SOVIET UNION.

YUGOSLAVIA'S ATTITUDE MAY SEEM HYPERSENSITIVE IN THIS RESPECT, BUT THERE IS REAL BASIS FOR ITS CONCERN. CONSEQUENTLY, WE SHOULD EMPLOY QUIET DIPLOMACY AND WORK THROUGH OUR ALLIES WHERE POSSIBLE, IF WE ARE TO HAVE MAXIMUM EFFECT IN SHAPING BELGRADE'S HUMAN RIGHTS ATTITUDES WITHOUT UNDERMINING OUR OTHER OBJECTIVES CONCERNING YUGOSLAVIA. END DRAFT TEXT. CHRISTOPHER

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